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The following Minutes are in DRAFT form, and wording may change upon approval.

MINUTES OF THE MEETING
OF THE
SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

MONDAY, JULY 18, 2005
9:00 A.M.

MEMBERS: Aeron Arlin-Genet, Air Pollution Control District
PRESENT Laurie Salo, Environmental Health
John Euphrat, Planning & Building, Chairman
Richard Marshall, Public Works

ABSENT: John Nall, Planning & Building

OTHERS: Jim Orton, County Counsel

The meeting is called to order by Chairman Euphrat

The following action minutes are listed as they were acted upon by the Subdivision Review Board and as listed on the agenda for the Regular Meeting of July 18, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

CONSENT AGENDA:

Motion by Mr. Marshall, seconded by Ms. Salo, carries in the absence of Mr. Nall, to approve the Consent Agenda, as follows:

- a. Minutes of May 2, 2005.
- b. Request for a 1st one year time extension from the applicant **Frank Caron/ Hank Hatcher of Westland Engineering** for a Vesting Tentative Parcel Map CO 02-0240 (S020097P) to subdivide an existing 3.32 acre parcel into three parcels of approximately one acre each. The project is located in the county at 888 Mesa View Drive (Highway One), approximately ½ mile southwest of the intersection of Mesa View Drive and Halcyon Road, approximately 2 miles southeast of the town of Oceano, in the Residential Suburban Land Use Category. APN: 075-150-027, in the South County (Palo Mesa) Planning Area. County File No. **S020097P/CO 02-0240**. Supervisorial District: 4.
- c. Request for a 1st one year time extension from the applicant **Linda Vogt** for a Vesting Tentative Parcel Map CO 02-0370 to subdivide an existing 3.10 acre parcel into three parcels of 1.04, 1.03 and 1.03 acres each. The project is located east of Ramada Drive on Cow Meadow Place in the Templeton planning area. APN: 040-151-048 **County File No. S020139Q/ CO 02-0370**. Supervisorial District: 1.

HEARINGS:

1. This being the time set for hearing to consider a request by **DONNA EVENSON** for a Vesting Tentative Parcel Map to subdivide an existing 10.59 acre parcel into four parcels of 2.50, 2.60,

2.50, and 2.99 acres each. The project includes a request for adjustments to the road standards for Corbett Canyon Road, in the Residential Suburban Land Use Category. The project is located at 1640 Oak Hill Road, approximately 200 feet south of the intersection of Bager Canyon and Corbett Canyon Roads, east of the City of Arroyo Grande in the San Luis Bay (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the project (pursuant to Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address cultural, historical, and biological resources. **County File No: SUB 2004-00145 / CO 04-0274.** APN:044-332-018. Supervisorial District: 3. Date Accepted: February 10, 2005.

Marsha Lee presents the staff report. She discusses existing structures, trees, roads and improvements, access, displaying maps and photographs overhead. She states staff recommends adoption of the Negative Declaration and approval of the vesting tentative parcel map.

Jim Orton, County Counsel, requests clarification of feature 13, with staff responding. Further, suggests showing contour lines in a different place, and suggests language for pages 1-10 and 1-12. Donna Evenson, applicant, states feature 13 is Parcel 4 and it is shown on the map. Richard Marshall requests clarification of language change for Condition 20.d. Aeron-Arlin-Genet states the APCD position, that this proposal is inconsistent with the Clean Air Plan.

Thereafter, motion by Mr. Marshall, seconded by Ms. Salo, carries, in the absence of Mr. Nall and with Chairman Euphrat voting no, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to approve the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changes: in Condition 19.k. change "Prior to development of" in line 1 to "Prior to any construction activities"; in Condition 20.d., change "as shown on the Vesting Tentative Parcel Map" to "as shown on an exhibit in the CC&R's."; and in Condition 20.m., change "Prior to development of Parcel 1" to "Prior to any construction activities on Parcel 1,".

2. This being the time set for hearing to consider a proposal by **KAREN JORGENSEN/CANNON ASSOCIATES** for a Vesting Tentative Parcel Map to allow for the subdivision of a 13.65 acre parcel into two parcels of 7.00 and 6.65 acres each for the sale and/or development of each proposed parcel. The project is located on the west side of Noyes Road, approximately 1/2 mile north of the Noyes Road/Old Oak Park Road intersection, in the Residential Rural Land Use Category, approximately 1/2 mile north of the City of Arroyo Grande, in the San Luis Bay (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the project (pursuant to Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Geology and Soils, Noise, Public Services and Utilities and Wastewater. **County File No: SUB 2004-00203.** APN: 044,360,020. Supervisorial District: 4. Date Accepted: January 21, 2005.

Stephanie Fuhs, staff, presents the staff report. States there are no significant issues with the project, but there are two homes on one of the parcels already, and it will be designated a secondary. She states staff recommends adoption of the Negative Declaration and approval of the project.

Scott Bruce, Cannon Associates. States they would like clarification of 2.a. on 2-6. States 12.m. and negative declaration do not agree, and wishes clarification. States applicant will be doing individual wells, with the present state being shared well.

Discussion takes place among staff members and Board members regarding the wastewater conditions.

Laurie Salo states parcel sizes are large enough that the conditions as stated will suffice. Road improvements are discussed.

Ms. Arlin-Genet states this proposal is inconsistent with the Clean Air Plan and explains.

Thereafter, motion by Ms. Salo, seconded by Mr. Marshall, carries, in the absence of Mr. Nall and with Ms. Arlin-Genet voting no, to adopt the Negative Declaration, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to approve the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, as presented.

3. This being the time set for hearing to consider a road exception request by **RONALD AND MARY HANSEN/STEVEN AND DIEDRE FOAT/VAUGHAN SURVEYS** for previously approved Parcel Map CO 04-0005. The road exception request concerns the road improvements required along Fowler Lane. The project is located in the Residential Rural land use category on the north side of Fowler Lane, approximately 2,500 feet east of the Fowler Lane/Highway One intersection, approximately two miles south of the City of Arroyo Grande, in the South County (Inland) planning area. This project is consistent with the previously adopted Mitigated Negative Declaration prepared for Parcel Map CO 04-0005. **County File Number: SUB2003-00141 / CO 04-0005.** APN: 075-291-023. Supervisorial District 3. Date accepted: June 7, 2004.

Stephanie Fuhs, staff, gives the staff report. States this project was previously approved, and today's request is for a road exception. States applicant has requested power line improvements be eliminated from conditions of approval. Recommends partial approval based on Findings in Exhibit A. The improvement is for gravel rather than paved, and that is the reason for partial approval, because only part is requested for change.

Vaughan Surveys, agent, states they agree with the staff report and have nothing further to add.

Ms. Arlin-Genet states in November 2004 APCD representative voted "no" on this project. Although this request is for the paving portion only, she cannot support this proposal.

Discussion takes place regarding access from Fowler Lane and where access will be, with staff responding. Mr. Marshall discusses Board of Supervisors adopted policy regarding gravel roads. Chairman Euphrat requests information regarding maintenance, with Mr. Marshall discussing Public Works procedures.

Thereafter, motion by Mr. Marshall, seconded by Ms. Salo, carries, in the absence of Mr. Nall and with Ms. Arlin-Genet voting no, to approve the partial road exception request requiring gravel road improvement instead of paved improvement based on the Findings in Exhibit A and Conditions in Exhibit B.

4. This being the time set for hearing to consider a request by **KAREN LUCE** for a Tentative Parcel Map to subdivide two existing 5,250 square foot parcels into four parcels of 2,625 square feet each and a Conditional Use Permit for the construction of four townhomes. The project would result in the disturbance of 10,500 square feet of a 10,500-square foot area. The division will create one on-site road. The proposed project is within the Residential Multi-Family land use category and is located in the northwest corner of 24th Street and Cienega Street (2391 Cienega Street), in the community of Oceano. The site is in the San Luis Bay (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Aesthetics, Air Quality, Cultural Resources, Geology and Soils, Hazards/Hazardous Materials, and Noise. **County File Number: SUB2003-00219 / CO 04-0246.** APN: 062-123-023 & 024. Supervisorial District: 4. Date Accepted: October 13, 2004.

Brian Pedrotti, staff, presents the staff report. He recommends adoption of the Negative Declaration and approval of the parcel map and conditional use permit.

Discussion takes place among staff and Board members regarding stock conditions of approval, avigation easement should be granted prior to recordation of the map.

Jim Orton, County Counsel, requests clarification of location of the drainage basin. Clarifies maintenance obligation to qualify for Planned Development is common driveway, so a Homeowners Association should be created to provide maintenance, and maintenance of common driveway easement areas.

Karen Luce, applicant, states they accept the recommendations and can answer questions.

Laurie Salo requests applicant agreement to the conditions changed.

Karen Luce, applicant, states she does accept the changes proposed.

Thereafter, motion by Mr. Marshall, seconded by Ms. Arlin-Genet, carries in the absence of Mr. Nall, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to grant a Tentative Parcel Map and Conditional Use Permit to KAREN LUCE for the above referenced item, based on the Findings in Exhibits A and C, and subject to the Conditions in Exhibits B and D, with the following changes: In Exhibit B, add new Condition 23, as follows: The structures on the site be removed or brought into conformance with the Land Use Ordinance prior to filing the final parcel map. A demolition permit may be required.” and renumber the following paragraphs as appropriate; delete subparagraph “i.” in Condition 26.h. and renumber remaining subparagraphs as appropriate; revise Condition 27.b. as follows: delete “areas” and insert in its place “driveway easement areas.”; in Condition 27.i., delete subparagraph 27.i.i. and renumber remaining subparagraphs as appropriate; add new Condition 27.m, to read: “A Homeowner’s Association shall be created.”; and add new Condition following Condition 28, to read: “The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed, and approved by County Counsel prior to filing of the final parcel or tract map.”

5. This being the time set for hearing to consider a request by **JEFF WONNELL** for a Vesting Tentative Parcel Map to subdivide an existing 15.2 acre parcel into two parcels of 10.13 and 5.04 acres each for the purpose of sale and/or development. The project will not result in any site disturbance. The proposed project is within the Residential Rural Land Use Category and is located at 1588 Verde Canyon Road, one-half mile east of Highway 227, approximately two miles north of the City of Arroyo Grande. The site is in the San Luis Bay (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq. Mitigation measures are proposed to address Biological Resources, Geology and Soils, and Wastewater. **County File Number: SUB2004-00028 / CO 04-0348. APN: 044-311-030. Supervisorial District: 3. Date Accepted: November 29, 2004.**

Brian Pedrotti, staff, presents the staff report. He discusses the neighboring areas and existing development in the area. He displays maps and photographs overhead. States the parcel map will allow secondary residences in the future. An open space easement has been agreed to. He discusses slopes and wooded areas. States the staff recommends adoption of the Negative Declaration and approval of the project.

Jim Garing, engineer for the project, represents the Wonnells. States he is available for questions.

Ms. Arlin-Genet states the APCD cannot support this project for the same reason as the others. Growth should be directed toward urban areas. Discusses Board of Supervisors' adoption of Smart Growth Principles, and states this Board could be aided by in depth discussion.

Thereafter, motion by Ms. Salo, seconded by Mr. Marshall, carries, in the absence of Mr. Nall and with Ms. Arlin-Genet voting no, to adopt the Negative Declaration, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to approve the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with Condition 8 revised as follows: in the next to last full sentence, change "open space / conservation easement" to "open space easement."; and delete the number "9" following the end of the sentence, and renumber the conditions following, as appropriate.

6. This being the time set for hearing to consider a request by **EUGENE H. BARRE JR, MICHAEL H. BARRE, AND SHANNON BENNETT** for a Tentative Parcel Map, using the Transfer Development Credit program to subdivide an existing 2.2 acre parcel into two parcels of 1 acre and 1.02 acres each for the purpose of sale and/or development. The project will result in the disturbance of approximately zero square feet. The proposed project is located within the Residential Suburban land use category and is located at 12100 El Camino Real, approximately 300 feet from the southwest corner of Santa Barbara Road and El Camino Real, adjacent to the community of Atascadero. The site is in Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address biology, public services, recreation and wastewater. **County File No: SUB 2004-00141 / CO 04375.** APN: 059-331-013. Supervisorial District # 5. Date Accepted: December 12, 2004.

Elizabeth Kavanaugh, staff, presents the staff report. She states staff recommends adoption of the Negative Declaration and approval of the project. The project includes request for Transfer Development Credit. There are minimal environmental concerns and all requirements for TDC receiver site are met.

James Caruso discusses comments by Santa Margarita Advisory Council. He discusses the minutes of their meeting, providing a copy of their draft minutes on this project. They neither support nor disapprove of the project, but wish to have the Subdivision Review Board consider their comments.

Discussion takes place among Board members and staff regarding minimum parcel sizes, density, and how this project is affected by use of TDC's. The source of the TDC is not identified, but it is likely the Bonheim Ranch. The source is not required to be identified prior to recordation. Title 22 requirements are discussed.

Skip Touchon, Twin Cities Surveying, representing applicant, agrees with conditions, except #5, because they are not on sewer but on septic.

Susan Harvey, President, Paso Watch, commends Air Pollution Control District for strong stand on air pollution. States Paso Watch requests TDC's only apply if certain conditions are met. States countywide concerns have been raised regarding the program. A moratorium has been requested. Cumulative effects on environment must be addressed. She refers to a letter from Santa Margarita Advisory Council regarding flaws in the ordinance. Reviews recent changes, including South Atascadero being designated a receiver site while at the same time having zoning changes allowing secondary dwellings where none were allowed before. She asks the question whether this is truly desired with the outcomes expected.

Richard Marshall requests reiteration regarding decisions referred to by Ms. Harvey, with Ms. Harvey responding.

Kathryn Sweet, South Atascadero, Discusses TDC approvals being discretionary. States South Atascadero is not an appropriate receiver site, and gives reasons. Discusses density, infrastructure, good planning, adequate water. Cumulative effects have not been analyzed. Without such study, decisions are made with insufficient information. States South Atascadero is feeling the effects of cumulative impacts on water, traffic, noise.

Eric Greening states the parcel in question is substandard to start with. States starting with a substandard parcel is a new precedent and raises new questions. The community is calling for a halt until more study can be done. Wonders how many existing substandard parcels in that area would this set precedent for. Regarding sending sites, these are remote from the receiving sites. He discusses Santa Barbara Road and Hwy 101 interchange, which is receiving all the impacts. Impacts are cumulative.

Maria Lorca, representing Creston Citizens for Ag Land Preservation and a group of South Atascadero citizens who could not come, states many residents are "worn out" on this issue and cannot continue coming repeatedly to all the different public hearings. She wonders if the will-serve letter for this project was issued before or after the water district decision on secondary dwellings. She discusses the moratorium. States the community has requested a community-based TDC program. States there is concern about the driveway for this project. States until a good program is in place, more projects should not be approved. States the only people who benefit are those receiving the TDC credit. Approval of this project will contribute to the failure of the TDC program. States penalties for violating the intent of the Williamson Act are severe.

Jim Orton, County Counsel, states anything that one wishes to be part of the public record of this hearing must be submitted at this hearing, and cannot become a part simply by reference.

Discussion takes place among Board members and county counsel regarding the Laird Bill, development rights once a parcel comes out of a contract, that the new law has substantial penalties for allowing more residential development than intended by the law.

Further discussion takes place among Board members and staff regarding potential development in South Atascadero, with staff responding.

Further discussion takes place regarding lots less than 2-1/2 acres, which become dividable with TDC's, but are otherwise too small to subdivide; that this site appears to meet all the requirements in place at the time the application was accepted, that the intent of use of TDC's, is not to subdivide property that is already undersized, although other details fit.

James Caruso, staff, proposes a continuance to return on a date certain with findings for denial, based on lack of consistency with County General Plan, i.e., the Salinas River Area Plan.

Thereafter, tentative motion by Ms. Arlin-Genet, seconded by Ms. Salo, carries, in the absence of Mr. Nall, and with Mr. Marshall voting no, to deny the above referenced item, and direct staff to return September 12, 2005 to the Subdivision Review Board with Findings that the project lacks consistency with the General Plan and to research TDC locations and potential constraints on sending sites.

There being no further business to discuss, the meeting is adjourned.

Respectfully submitted,
Lona Franklin, Secretary
County Subdivision Review Board

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MINUTES OF THE MEETING
 OF THE
 SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

MONDAY, AUGUST 1, 2005
 9:00 A.M.

MEMBERS
 PRESENT Aeron Arlin-Genet, Air Pollution Control District
 Rich Lichtenfels, Environmental Health
 John Euphrat, Planning & Building, Chairman
 Richard Marshall, Public Works
 John Nall, Planning & Building

ABSENT: None

STAFF: Murry Wilson, Current Planning
 Mike Wulkan, Current Planning
 Nick Forrester, Current Planning
 James Caruso, Current Planning
 Elizabeth Kavanaugh, Current Planning

OTHERS: Jim Orton, County Counsel

The meeting is called to order by Chairman Euphrat.

The following action minutes are listed as they were acted upon by the Subdivision Review Board and as listed on the agenda for the Regular Meeting of August 1, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Robert Martin, Avila Beach, states he received the Avila Grocery notice. States his concern that notification was received, but the staff report did not appear on the internet. States he wishes to know the reason.

Eric Greening wishes to confirm that Barre item will be heard at September meeting. States many TDC receiver sites are headed for South Atascadero area. Santa Margarita Advisory Council has raised concerns. Hopes cumulative impacts will be considered and such impacts will be included in the staff report.

Consent Agenda

Thereafter, motion by Mr. Marshall, seconded by Mr. Nall, carries unanimously, to approve consent agenda, as follows:

- a. Request for a 1st one year time extension from the applicant, **THE VONS COMPANIES, INC./EDA** for a Vesting Tentative Parcel Map CO 01-0375 (S010216P) to subdivide an existing 3.15 acre parcel into two parcels of 2.28 and .87 acres each. The purpose of the subdivision is to create a separate parcel for the existing drainage basin. The project is located at 187 North Frontage Road, on the southwest corner of Frontage Road and Juniper Street, in the community of Nipomo, in the South County - Nipomo planning area. APN: 092-572-017. County File No. **S010216P/ CO 01-0375**. Supervisorial District 4.

- b. Request for a 3rd one year time extension from the applicant, **B.J. BURKE** for a Vesting Tentative Parcel Map CO 00-0229, to subdivide an existing 29.8 acre parcel into 4 parcels of 5.22, 5.61, 8.59, and 10.39 acres each. The project is located approximately 700 feet south of Ormonde Road, on Noyes Road north of the City of Arroyo Grande in the San Luis Bay/Arroyo Grande Fringe Planning Area. APN: 044-360-015. County File No. **S000108P/ CO 00-0229**. Supervisorial District 4.

Hearings:

1. This being the time set for hearing to consider a request by **MICHAEL AND PEGGY COX** for a reconsideration of Lot Line Adjustment COAL 99-0018 in order to relocate an approved building envelope on Parcel 3. The reconsideration will not result in the creation any additional parcels. The proposed project is within the Agriculture land use category and is located at 3750 Santa Rosa Creek Road approximately 1 mile east of the community of Cambria in the North Coast planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the project pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq.,. Mitigation measures are proposed to address Aesthetics and Geology.. APN: 013-081-068. **County File No. SUB2004-00265 / COAL 99-0180**. Date of acceptance: April 1, 2005. Supervisorial District 2.

Murry Wilson, staff, gives the staff report. He discusses existing situation and preferred building site and displays photographs overhead. He states staff recommends approval.

Chairman Euphrat, requests clarification regarding visibility from Hwy 1, with staff responding.

Jim Orton, County Counsel, requests staff provide information regarding prior approval of the lot line adjustment, with staff responding.

Richard Marshall, Public Works, requests staff point out neighboring structure on overhead map, and locate the property line, with staff responding.

Peggy Cox, applicant, thanks Board for considering request and thanks staff. She describes their property and modular home, giving background. She describes surrounding area. States Geosolutions' analysis found the existing building site to be the worst site on the property. States they are concerned about impact of pesticides on their daughter and of mold in their home. States the site they propose will not be visible from public roads and will not have drainage problems.

Ms. Arlin-Genet discusses naturally occurring asbestos, stating if building envelope is moved, a survey to determine presence of asbestos would be required. It is state law and applicant should be aware prior to grading.

Thereafter, motion by Mr. Lichtenfels, seconded by Mr. Marshall, carries unanimously, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to grant a Lot Line Adjustment to MICHAEL & PEGGY COX for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, as presented.

2. This being the time set for hearing to consider a request by **RAYMOND BARKER** for a Lot Line Adjustment to adjust the lot lines between 4 parcels of 2.56, 0.29, 0.10, and 0.10 acres each. The adjustment will result in 4 parcels of 2.26, 0.42, 0.18, and 0.18 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Single Family and Residential Suburban land use categories and is located at 675 12th Street in the community of San Miguel, in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the project pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Biological

Resources. **County File No: S020345L**; APN's: 021-241-012, -013, -014 and -017; Supervisorial District: 1; Date Accepted: June 1, 2005.

Josh LeBombard, staff, gives the staff report, displaying maps and photographs overhead. He describes current configuration and an existing residence on Parcel, which will remain. He states staff recommends approval.

Richard Marshall requests clarification of proposed configuration, stating Parcel 2 is within 2 different land use categories, with staff confirming. He requests information regarding services that are available and will become available, with staff responding.

Tobey Osgood, EMK Associates, describes this project being done in cooperation with a neighbor. Discusses another project being done by Mr. Barker in the neighborhood, stating he owns several parcels in that immediate area. States he may pursue RMF zoning in the future, though that is in the planning stage only.

Jim Orton, County Counsel, suggests change to Condition 10.

Rich Lichtenfels, Environmental Health, requests information about why this project will not be on sewer, with agent responding. He speculates on future actions by the neighbor. States there is no sewer on 11th Street.

Board members and County Counsel discuss details of how or whether to include condition regarding hook-up to community sewer when it is available.

Tobey Osgood, agent, states there is already a signed Developer Statement that does not include such, and wonders whether this can be required this far in advance.

Josh LeBombard, staff, gives suggested language for new condition regarding hooking up to sewer when it becomes available.

Tobey Osgood, agent, wishes the condition be tied to future development, as the present resident does not intend to develop, is very old, and her only desire is to give a piece of property to Mr. Barker. She states her desire to minimize impacts on Mrs. DuPrie.

Ms. Arlin-Genet, APCD, states this is an opportunity for sewer extension, and should be considered.

James Caruso, staff, states a similar problem arose in Templeton regarding the timing of sewer availability. States there is a trigger that will require hook-up when the parcel is developed rather than with only a lot line adjustment. Suggests language for condition, which will be #2 Wastewater..

Thereafter, motion by Mr. Marshall, seconded by Ms. Arlin-Genet, carries unanimously, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to grant a Lot Line Adjustment to RAYMOND BARKER for the above referenced item, based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B, with the following changes: revise Condition 10 to read as follows: "10. The following notes shall be included on the second sheet of the Parcel Map; if Certificates of Compliance are the recording instrument instead of a Parcel Map, prior to recordation of the certificates of compliance, the applicant will be required to enter into a mitigation agreement in a form approved by County Counsel to adhere to the following conditions during future construction."; number the first subparagraph of Condition 10 as number 1.; and add subparagraph 2 under Condition 10, to read: "2. At the time of future development of proposed parcel 1, all development will be required to connect to a community sewer system. "

3. This being the time set for hearing to consider request by **JONATHAN H. AND SUSAN DAMON** for a vesting tentative parcel map to subdivide an existing 46.81 acre parcel into two parcels of 20.23 acres and 26.58 acres each for the purpose of sale and/or development. The proposed project is within the Rural Lands land use category and is located at 4250 Parkhill Road approximately nine miles from the community of Santa Margarita. The site is in the Las Pilitas planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address biological resources, geology and soils, population and housing, public services/utilities, recreation, and waste water. **County File No: SUB2004-00106. APN: 070-191-048. Supervisorial District: 5. Date Accepted: April 13, 2005.**

Nick Forrester, staff, gives the staff report, displaying maps and photographs overhead. States there is an oak woodland on a fairly steep slope, which applicant has agreed not to disturb. Recommends approval.

James Caruso, staff, states many of the maps in the eastern part of the SMAC area don't result in comments by the group, and that is the case with this project.

Tobey Osgood, EMK Associates, states no oak tree removal will occur on this project. The non-building area will protect the woodland. States otherwise, they agree with the staff report.

Eric Greening states SMAC may not have had an opportunity to agendize the item to see if comments were forthcoming. States some projects that the community had no comments on may have been in a long list of projects handed out at hearings and did not have questions asked about it. A better way to handle such non-responses from SMAC would be to indicate whether an opportunity to agendize the item came up. States SMAC did not meet in July.

James Caruso, staff States much service is provided to the advisory councils, and the methods used now are sufficient.

Thereafter, motion by Mr. Nall, seconded by Mr. Marshall, carries unanimously, to adopt the Negative Declaration, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and to grant a Vesting Tentative Parcel Map to JONATHAN H. AND SUSAN DAMON for the above referenced item, based on the Findings in Exhibit A, and subject to the Conditions in Exhibit b, as presented.

4. This being the time set for hearing to consider a request by **CHRIS PEDDICORD** for a Tentative Parcel Map to subdivide an existing 10-acre parcel into two parcels of five acres each for the purpose of sale and/or development. The project includes minor road improvements to Chesapeake Place and Stanton Road. The project will not result in the creation of any on-site roads. The Subdivision Review Board approved the proposed tentative Parcel Map (CO00-0061; S990331P) on July 2, 2001. The approved map expired, and the applicant has reapplied for a new tentative Parcel Map, which is identical to the previously approved map. The proposed project is within the Residential Rural land use category and is located on the northeast corner of Stanton Street and Chesapeake Place, approximately three miles southeast of the City of Arroyo Grande, in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the project in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq. Mitigation measures are proposed to address Air Quality, Biological Resources, Public Services/Utilities, Recreation, Wastewater, and Water. **County File Number: SUB2003-00144 / CO 04-0158. APN: 091-063-019. Supervisorial District: 4. Date Accepted: April 28, 2005.**

Brian Pedrotti, staff, gives the staff report. He displays photographs and maps overhead.

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Jim Orton, County Counsel, suggests the open space should be covered in a separate condition and states the OR number should appear on the map.

Ms. Arlin-Genet, APCD, states this proposal is outside the urban reserve line, fractures land, and is inconsistent with the Clean Air Plan.

Thereafter, motion by Mr. Marshall, seconded by Mr. Lichtenfels, is discussed. Thereafter, motion maker and second amend their motion, and motion by Mr. Marshall, seconded by Mr. Lichtenfels, carries, with Ms. Arlin-Genet voting no, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to grant a Tentative Parcel Map to CHRIS PEDDICORD for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changes: in Condition 19.f., add “, which is recorded as Document #2001-004287 O.R.” following “Exhibit C” and in Condition 20.f., add “which is recorded as Document #2001-004287 O.R.” following “Exhibit C.”

5. This being the time set for hearing to consider a request by **RANDALL DENNIS** for a tentative Parcel Map / Development Plan / Coastal Development Permit to create a Planned Development for an existing, approximately 900 square-foot commercial building, and for a proposed, approximately 4,600 square-foot single-family residence, including an approximately 1,200 square-foot garage on a portion of the lower level. The Planned Development includes a proposed subdivision of an existing 7,890 square-foot parcel into two parcels of 3,558 and 1,334 square feet, in addition to a common parcel of 2,998 square feet, for the purpose of sale and/or development. The project also includes a request for an adjustment to the requirements of Section 21.03.010c of the Real Property Division Ordinance by making an exception to the required minimum lot width and depth. The project will result in the disturbance of approximately 3,558 square feet. The proposed project is within the Residential Multi-Family land use category and is located at 250 North Ocean Avenue, approximately 200 feet west of Cayucos Drive in the community of Cayucos in the Estero Planning Area. An Addendum to the previously approved Mitigated Negative Declaration (ED 04-227, approved with Minor Use Permit DRC2003-00032, Dennis) has been prepared for the project. **County File No: SUB2004-00271/CO 05-0018.** APN: 064-094-032. Supervisorial District: #2. Date Accepted: May 6, 2005.

Mike Wulkan, staff, gives the staff report. Discusses the area, displaying photographs overhead, and reviews history of the permit activity to date. States this project complies with Coastal Zone Land Use Ordinance. States Planning Commission's conditions on the Minor Use Permit are included as conditions on this project. He discusses ground clearance of decks. The project meets criteria for planned development. He suggests revision to Conditions. Recommends allowing building permits to be issued prior to recording the parcel map. He suggests a change on page 5-12. States staff recommends approval.

John Euphrat, Chairman, requests description of the violation mentioned in Condition 14 of Exhibit D, with staff responding.

Jim Orton, County Counsel, speaks regarding allowing construction before recordation of the map, and if Title 19 requirements must be met. Requests staff discuss whether that has been considered, with staff responding.

Board members and staff discuss alley improvements and paving.

Thereafter, motion by Mr. Marshall, seconded by Ms. Arlin-Genet, carries unanimously, to adopt the mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and to grant a Development Plan / Coastal Development Permit and Tentative Parcel Map to RANDALL DENNIS for

the above referenced item, based on the Findings in Exhibits A and B, and subject to the Conditions in Exhibits C and D, with the following changes: in Exhibit C, insert "2-11" following the word "conditions" in the first line of the preamble to Conditions 2 through 11.

Chairman Euphrat reconvenes meeting following break.

Ms. Arlin-Genet is no longer present.

6. This being the time set for hearing to consider a request by **PEOPLE'S SELF HELP HOUSING CORPORATION** for a Tentative Parcel Map to subdivide an existing 1.05 acre parcel into 5 parcels of 0.19 to 0.26 acres, each for the purpose of sale and/or development. The project will include five low and very low-income single-family residences. The project will result in the disturbance of the entire 1 acre parcel. The proposed project is within the Residential Single-Family land use category and is located on Alegre Avenue, approximately 300 feet south of Division Street in the community of Nipomo, in the South County (Inland) planning area. This project is exempt under CEQA. **COUNTY FILE NO: SUB2004-00187. APN: 092-551-026. Supervisorial District: 4. Date Accepted: January 26, 2005.**

Brian Pedrotti, staff, gives the staff report, displaying maps and photographs overhead. He discusses low-income being for 30 years. He states staff recommends approval.

Richard Marshall, discusses driveways, access, street improvement condition, and a parkway requirement in an existing, developed neighborhood. He discusses the planning area standard, repair work that would be required.

Chairman Euphrat requests clarification of how a parcel map will allow 5 parcels, with staff responding.

Cheryl Flores, People's Self-Help Housing, speaks regarding the parkway, the sidewalk is in very good condition, and considerable cost would be added to this affordable housing if a parkway were required. States they are building for home ownership. States trees will be planted in the front yards.

Richard Marshall, Public Works, suggests a new condition 10.

Thereafter, motion by Mr. Marshall, seconded by Mr. Lichtenfels, carries, in the absence of Ms. Arlin-Genet, to grant a Tentative Parcel Map to PEOPLE'S SELF-HELP HOUSING for the above referenced item, based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B, with the following changes: in Condition 2, delete "rental or" following "affordable" in line 1; add "The applicant shall also retain a Registered Soils Engineer to witness and certify the final product to the Department of Public Works." to the end of Condition 4; and add new Condition 10, to read: "Additional Map Sheet. "The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following: Prior to issuance of construction permits, Alegre Avenue shall be improved to an A-1 urban standard without a landscaped parkway between the curb and sidewalk."

7. This being the time set for hearing to consider a request by **KEN LERNO** for a Tentative Parcel Map to subdivide an existing 5.94-acre parcel into two parcels of approximately 3.4 and 2.5 acres each for the purpose of sale and/or development. The proposed project is within the Residential Suburban land use category and is located on the northwest corner of Ross Drive and Grace Drive, approximately 1,000 feet north of Highway 46, in the village of Whitley Gardens, east of the City of Paso Robles in the Shandon/Carrizo planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the project pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address biology

and water. **County File Number SUB2003-00095 / CO 04-0008.** APN: 019-221-044. Supervisorial District: 1. Date Accepted: October 8, 2004.

Elizabeth Kavanaugh, staff, states denial is recommended. She describes the parcel and zoning. States the issue is that as proposed the vacant 2.5 acre parcel is requesting to use well water, and the 3.5 acres is currently hooked up to community water. She provides background. States the page 2 passed out has language that was inadvertently left off page 2 of the staff report in the agenda packet. States the agent has received a copy.

Jamie Kirk, agent, states a pre-application meeting took place November 2003, when a 3-lot parcel map was considered using the TDC program. States a will-serve letter was issued and later rescinded. The rescission indicated a will-serve letter could be issued for one parcel. Subsequently, a 2-parcel subdivision was proposed, one with community water and one with well. Permission to drill a well was received, and submitted to the County. States in September 2004 Environmental Health approved. A fire safety plan was received in September stating the proposal would work with a water storage tank on site. In May 2005 the Developer Statement was received. On June 9, 2005 the mitigated Negative Declaration was recommended for adoption. Subsequently, an email was received stating staff would be recommending denial. Regarding water supply for subdivisions, it is true there is no will-serve for the second parcel, but community water is one option, so this project is consistent with the standard. He discusses Title 19 and being within or outside the service district. States there are two fire hydrants on the front of the property.

John Nall, Environmental Specialist, requests discussion of the will-serve letters and additional background, with Ms. Kirk responding.

Jim Orton, County Counsel, states a letter issued in error would not constitute a special situation.

Ken Lerno, owner, speculates regarding the will-serve letter. States he has attended meetings of the Services District. There is water out there, but not much money. Rates have increased. Work must be done before additional will-serve letters can be issued. He discusses reasons for will-serve letters not being issued. States he has proceeded with this project on the advice of staff and has spent thousands of dollars, and staff now recommends denial.

Chairman Euphrat, Planning, requests clarification of the area served by the water company. States the will serve letter is dated October 2003.

Board members and staff discuss the pros and cons of drilling wells within a service area, and the ability of this Board to make decisions, that there may be a possibility of an agreement with the water company that would allow them to take control of the well.

Robert Lewin, CDF/County Fire, states the situation is unusual, and gives reasons. Cites some other proposals like this one, stating the Board of Supervisors has seen projects within a water system as needing to stay within that system. Minimum fire flows cannot be met at this point, but their system can be upgraded, and encourages applicant pursue improvement of the system. States storage tanks are marginal at best in fire protection systems.

Chairman Euphrat, requests staff provide information about whether planning area standards have changed recently, with staff responding.

Board members, staff and agent discuss the process, timing, pre-application meeting where the planning area standard was clarified.

Ken Lerno, applicant, states this project should have been discouraged a long time ago.

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John Nall, Environmental Specialist, requests applicant states whether he would like to try to work out details with the water company to see if planning area standards can be met in another fashion, with Mr. Lerno responding.

Ken Lerno, applicant, states the water company has many problems and he would like to try that approach. Board members, staff and applicant discuss whether a continuation is appropriate.

Thereafter, motion by Mr. Nall, seconded by Mr. Lichtenfels, carries in the absence of Ms. Arling-Genet, to continue the above referenced item to November 7, 2005.

8. Avila Grocery, LLC, County File No. SUB2004-00312 This being the time set for hearing to consider a request by **Avila Grocery LLC** for a tentative parcel map / development plan to subdivide an existing 3950 sq ft parcel into three (3) air space condominium units consisting of two residential units of 1,874 sq ft total and one commercial unit of 5,330 sq ft. for the purpose of sale and/or development. No site disturbance will result from this proposed project. The project includes conversion of an existing building into three condominium units consisting of two residential units of 1,874 square feet total and one commercial unit of 5,330 square feet. The proposed project is within the Commercial Retail land use category and is located 354 Front St in the community of Avila Beach. The site is in the San Luis Bay (Coastal) planning area. The proposed project is consistent with the Avila Beach Specific plan EIR. **County File No: SUB2004-00312.** APN: 076-218-018. Supervisorial District: 3. Date Accepted: May 25, 2005.

James Caruso, staff, gives the staff report. Displays photographs and maps overhead, describes background of the project. The request is a one-lot map with airspace units being two residential units and one commercial unit. He describes parking and discusses roofing material and non-reflection as required by the Avila Beach Specific Plan.

Board members and staff discuss non-reflective materials and Avila Beach Specific Plan.

Carol Florence, Oasis Associates, agent, states this is somewhat confusing, because the Minor Use Permit was approved in 2004. States today's request is for a parcel map for condominiums. Requests approval with the changes discussed today. She requests deletion of last sentence of Condition 1, and deletion of Condition 10. Discusses roofing materials, stating the building was considered historic. An historic preservation architect was employed, and it was determined that clad sheet metal was characteristic of the period. States they do accept the conditions, however, and hope to balance historic aspects with current standards. States the material would be allowed if it could be treated to be non-reflective. They are seeking such a solution. She requests approval.

Robert Martin, Avila Beach, states he is a member of the AVAC subcommittee. States he wishes to know why the staff report was not posted to the internet. Discusses roofing materials allowed by the Avila Beach Specific Plan. States metal roofs shine whether they are painted or not. This will be an irritant to the people who live there who look down onto the grocery store. States a composition roof is preferred.

Richard Marshall, Public Works, asks whether Mr. Martin has concerns regarding whether or not the subdivision itself is approved, with Mr. Martin responding.

Tom Guernsey, Avila Beach, states he echoes Bob Martin's comments. Notice of public hearing states proposed project is consistent with the Avila Beach Specific Plan, but it is not because of the reflective roof materials. As far as the subdivision, states his question is whether the property could end up being sold for a monthly or weekly rental or a timeshare property. States these properties should be for permanent residents.

Board members and staff, discuss roofing materials, reflection on painted metal roofs, the noticing process, posting of staff reports to the internet, that the county is unlikely to be able to regulate the use of the rental units, that there is no regulation in Avila Beach that would prevent this being a rental, nor that would prevent it being a primary residence, whether a time-share would require a separate permit, the minor use permit approval conditions and the controversy surrounding that permit, the regulations in the Avila Beach Specific Plan regarding roofing materials, that metal roofs are allowed under the Avila Beach Specific Plan as long as they are not reflective.

Thereafter, motion by Mr. Marshall, seconded by Mr. Nall, carries in the absence of Ms. Arlin-Genet, to find the project consistent with the Avila Beach Specific Plan Environmental Impact Report, and to grant a Tentative Parcel Map / Coastal Development Permit to AVILA GROCERY, LLC c/o RUDY BACHMANN for the above referenced item, based on the Findings in Exhibits A and C, and subject to the Conditions in Exhibit B, as presented, and Exhibit D, with the following change: in Condition 11, add new subparagraph c. to read: "c. Establishment of a Homeowners' Association."

There being no further business, the meeting is adjourned

Respectfully submitted,
Lona Franklin, Secretary Pro Tem
County Subdivision Review Board